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Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

The occupied Syrian Golan

Report of the Secretary-General

Summary

The present report has been prepared by the Office of the United Nations High Commissioner for Human Rights pursuant to General Assembly resolution 65/106, in which the Assembly requested the Secretary-General to report to the Assembly at its sixty-sixth session on the implementation of the resolution.

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1. The present report is submitted pursuant to General Assembly resolution 65/106.

2. On 1 June 2011, the Office of the United Nations High Commissioner for Human Rights (OHCHR), on behalf of the Secretary-General, addressed a note verbale to the Government of Israel referring to the above-mentioned General Assembly resolution and asking the Government of Israel to provide information on any steps that it had taken or envisaged taking concerning the implementation of the relevant provisions of the resolution. No reply had been received at the time of the preparation of the present report.

3. On 1 June 2011, OHCHR, on behalf of the Secretary-General, sent a note verbale to all permanent missions to the United Nations and other international organizations in Geneva regarding General Assembly resolution 65/106, asking the Governments of Member States to provide information on any steps that they had taken or envisaged taking concerning the implementation of the relevant provisions of the resolution. With the exception of a response from the Permanent Mission of the Syrian Arab Republic, no replies had been received at the time of the preparation of the present report.

4. On 23 June 2011, the Government of the Syrian Arab Republic stated that it regretted to note that, despite repeated requests from the international community for the complete withdrawal of Israel from the Syrian Golan, Israel continued to occupy Golan, pursued daily repressive practices against the population of Golan and persisted in its flagrant violations of international law and norms with impunity. The Syrian Arab Republic also stated that General Assembly resolution 65/18 confirmed Israel's failure to withdraw from the Syrian Golan and its disregard for the resolutions of the Security Council and the General Assembly. That resolution reiterated that Israel's annexation of the Syrian Golan in 1981 and its subsequent imposition of Israeli laws, nationality and administration on the Syrian Golan are null and void and without legal effect and must be revoked. The Syrian Arab Republic had affirmed its intense desire to continue to work and cooperate with the United Nations with a view to ending that occupation. On the basis of that understanding, the Syrian Arab Republic stated that United Nations resolutions continued to be the reference for the just and comprehensive resolution of the problems in the Middle East. In the note verbale it was stated that President Bashar Al-Assad had declared on more than one occasion that the Syrian Arab Republic was willing to resume peace negotiations on the same basis on which the Madrid peace process had been started in 1991. It was also noted that the Syrian Arab Republic had declared in all international forums its full commitment to the relevant international resolutions and had called for their implementation, in particular Security Council resolutions 242 (1967), 338 (1973) and 497 (1981), and had called for the implementation of the principle of land for peace in order to ensure the full withdrawal by Israel from all of the occupied Syrian Golan to the line of 4 June 1967.

5. In its note verbale, the Government of the Syrian Arab Republic strongly condemned Israel's violation of human rights in connection with the killing of peaceful demonstrators who had sought to remind the international community of their right to return to their homeland after four decades of occupation. The Syrian Arab Republic noted the incident of 5 June 2011, when the peaceful Syrian and Palestinian demonstrators commemorating Naksa had been shot by Israeli troops on the Syrian side of the ceasefire line, resulting in 23 martyrs and 350 injured. The

Syrian Arab Republic further noted that similar crimes had been committed on 15 May 2011 during the commemoration of Nakba, near the ceasefire line with the occupied Golan. It stated that Israeli forces had used live ammunition to disperse peaceful protestors, resulting in 15 martyrs and scores injured.

6. In its note verbale, the Government of the Syrian Arab Republic condemned the Israeli campaigns promoting settlement-building in the occupied Golan, the latest of which had been in December 2010 under the slogan "Come to Golan", aimed at bringing more Israeli settler families to Golan. It further deplored the establishment of a new tourist settlement near the settlement of It'am in cooperation with the extremist settlement of Yobatan. The Government of the Syrian Arab Republic condemned the bringing of more settlers to Golan under the name "tourist cities" in al-Batiha region located in the south of the occupied Golan, particularly in the area of Tal Sayadin on the eastern shore of Lake Tiberias. It again condemned the organization of tourist trips by international Jewish organizations to Golan and the promotion of settlements and the development of infrastructure to service those settlements. It noted that those actions demonstrated Israel's disregard for peace and for the decisions of the Security Council and the General Assembly.

7. The Government of the Syrian Arab Republic condemned the distribution by the Permanent Representative of Israel to the United Nations in New York of products from the occupied Syrian Golan, and stressed that such behaviour constituted a flagrant violation of Security Council resolution 497 (1981) and General Assembly resolution 65/179, entitled "Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources".

8. In its note verbale, the Government of the Syrian Arab Republic deplored the fact that, in December 2010, Israel had confiscated water sources from the occupied Golan in order to allocate water exclusively to the Israeli settlers, resulting in more than 20 million dollars in financial loss for the Syrian nationals of Golan whose livelihoods depend on farming and fishing. It believes that this is a deliberate violation of the human rights of the Syrian residents of the Golan and constitutes a violation of paragraph 8 of Security Council resolution 465 (1980), which called for ensuring the protection of important natural resources of the territories under occupation, including water, as well as paragraph 5 of said resolution which determined that all measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the Palestinian and other Arab territories occupied since 1967, including Jerusalem, or any part thereof, have no legal validity and that Israel's policy and practices of settling parts of its population and new immigrants in those territories constitute a flagrant violation of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War and also constitute a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East.

9. In its note verbale, the Government of the Syrian Arab Republic rejected the decision of 22 October 2010 of the Israeli Knesset mandating a referendum on any agreement that would lead to the withdrawal of Israel from the occupied Syrian Golan and East Jerusalem and requiring the support of more than 80 per cent of Israelis for such withdrawal. It agreed that the motion represented a violation of, and showed contempt for, international law, which stipulates that territory may not

be acquired by force, and was also incompatible with Security Council resolution 497 (1981).

10. In its note verbale, the Government of the Syrian Arab Republic reaffirmed the request it had made to the Secretary-General, the President of the General Assembly, the United Nations High Commissioner for Human Rights, the President of the Human Rights Council and the President of the International Committee of the Red Cross to bring pressure on Israel to ensure that the Syrian prisoners detained in its jails are kept in more humane health conditions. It also expressed its rejection of the trials by the Israeli occupation authorities of Syrian nationals Majed Shaer, sentenced to five and one-half years in prison, his son Fidaa, sentenced to three years in prison, and Yusuf Shams, sentenced to five years in prison. The Government of the Syrian Arab Republic also emphasized its request to the above-mentioned international figures to put pressure on Israel to rescind its decision to bar visits by citizens from the occupied Syrian Golan to their homeland, the Syrian Arab Republic, through the Qunaitra crossing, taking into consideration the material, mental and physical suffering that is caused to Syrian citizens by the Israeli practice, which also contravenes the Geneva Conventions and all international humanitarian instruments and norms. It stressed that Israeli practices in the occupied Syrian Golan exceed all legal and moral bounds, the most recent example being the denial of a visit to the family of the young Syrian student, Faras Abu Saleh, who was sick in the hospital. The Government of the Syrian Arab Republic called upon the international community to take all necessary measures and put pressure on Israel so that it would comply with its obligations under international law.